

**ORDINANCE AMENDING THE
MUNICIPAL CODE OF THE TOWN OF WILLIAMS CREEK, INDIANA**

Adopted August 13, 2018

**CHAPTER VII Section 3. AN ORDINANCE REGULATING WORK HOURS AND
CONSTRUCTION NOISE APPLICABLE TO PERSONS, FIRMS OR CORPORATIONS
HIRED TO PERFORM WORK IN THE TOWN OF WILLIAMS CREEK, INDIANA**

WHEREAS, the Town of Williams Creek is governed by its duly elected Town Council ("Council"); and,

WHEREAS, the Council has the responsibility and the duty to protect the public welfare and safety of its residents, the Council finds that this Ordinance is appropriate.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL THAT:

It is hereby declared, as a matter of public policy of this town:

- 1) That the presence and work activity of hired persons or entities whose work crews perform construction, demolition, remodeling, repair and maintenance of structures and property within the town creates unreasonable noise and congestion of vehicles and equipment on town rights of way; which prohibits, disrupts, injures, or endangers the health, safety, welfare, prosperity, comfort, or repose of reasonable persons of ordinary sensitivities within the town, given the time of day and environment in which the activity takes place. The work activity of such persons and entities has so increased into the evening hours and on weekends as to constitute a public nuisance; and
- 2) That the sole intent of the provisions of this chapter is declared to be, as a matter of legislative determination for this declaration of public policy, to secure and promote the health, safety, welfare, prosperity, comfort, and repose of persons in this town by limiting the hours during which hired work crews shall perform work in the town; and a determination of violation of this chapter may not be based on the identity of any person responsible for or associated with the work.

Section 3. Permissible Work Hours for Hired Workers Within the Town of Williams Creek

(a) For purposes of this chapter,

(b) Except as otherwise provided in this section, it shall be unlawful for any hired person, firm or corporation to be present in the town for the purpose of performing work on town residential or nonresidential property, to deliver or move equipment, or to use or operate equipment that

generates noise, including saws, air compressors, lawn mowers, weed blowers, generators, power tools and the like, other than between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday. Hired work is not permitted on Sundays.

EXCEPTION. The following are exempted from the provisions of this section: (A) Residents of the Town of Williams Creek performing work on their own property. (B) Authorized emergency vehicles. (C) Town or other governmental entity sanctioned contractors or public utilities crews entering the town for purposes of repair or maintaining rights of way, restoring utilities services to the town, performing snow removal, or other emergency services.

(c) Use of devices for producing sound. No hired person, firm or corporation shall play, use, operate, or permit an employee to play, use or operate any radio, television, digital media player, loudspeaker, sound amplifier, musical instrument, or any machine or device for producing or reproducing sound while performing work in the town, if that device can be heard by a town resident, nor continue to use such device after being asked to stop.

PENALTY. (A) Any person violating any provision of this chapter shall have committed an infraction, with each violation being a separate and distinct violation and subject to being penalized accordingly. The schedule of fines payable through the court of the Town of Beech Grove, IN, or other entity having jurisdiction as approved by the town council, shall provide for an increasing fine for subsequent offenses. (B) Any person who violates the provisions of this section shall be guilty of an infraction, punishable by a fine of not more than: (1) First offense: \$250; (2) Second offense: \$500; (3) Third offense: \$1,000; (4) Fourth and subsequent offenses: \$2,500. (C) Citations for violation of this chapter may be issued by the Town Marshal or any deputy duly sworn and acting on behalf of the Town of Williams Creek.

ALL OF WHICH IS ORDAINED THIS 13th day of August, 2018.

WILLIAMS CREEK TOWN COUNCIL

Maureen Burger

Maureen Burger, President